



PATENT
Attorney Docket No. 2356.0073-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Sebastian SUERBAUM et al.

Serial No.: 09/015,078

Filed: January 29, 1998

For: CLONING AND CHARACTERIZATION OF THE
flba GENE OF *H. PYLORI*, PRODUCTION OF
AFLAGELLATE STRAINS

Group Art Unit: 1801

Examiner: Not Assigned

#3B 8/19/99
T. Gray

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS
AND PRELIMINARY AMENDMENT

In response to the Notice to File Missing Parts of Application dated March 18, 1998, and prior to calculation of the filing fee, kindly enter the following amendment:

IN THE CLAIMS:

Cancel claims 1-30.

Add claims 31-42 as follows:

-31. Composition for the *in vitro* detection of an infection due to *H. pylori* in a sample of biological fluid from a patient, comprising a *H. Pylori* bacterial strain, or a bacterial extract of the said bacterial strain, having an aflagellate phenotype resulting from a mutation, by substitution, addition or deletion of bases or of a nucleotide fragment of a nucleotide sequence of a *flbA* gene regulating biosynthesis of a protein of *H. pylori*, which is able to

* 82.00 charged on 8/19/99 for extra independent claim.